



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 06/26/01
AGENDA ITEM 5
WORK SESSION ITEM

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: An Ordinance Adopting the Amendment to the Redevelopment Plan for the Downtown Hayward Redevelopment Project - Mission/Foothill Boulevard Corridor

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

BACKGROUND:

The ordinance was introduced at the June 19 meeting of the City Council with the following vote:

AYES:	Council Members:	Hilson, Rodriquez, Ward, Henson
	Mayor:	Cooper
NOES:	Council Members:	Jimenez
ABSTAIN:	Council Members:	Dowling
ABSENT:	Council Members:	None

The ordinance was published in the Hayward Daily Review on June 23, 2001. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

Attachment: Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD,
CALIFORNIA, AMENDING ORDINANCE NO. 75-029, AS PREVIOUSLY AMENDED
AND APPROVING AND ADOPTING THE AMENDMENT TO THE REDEVELOPMENT
PLAN FOR THE DOWNTOWN HAYWARD REDEVELOPMENT PROJECT -
MISSION/FOOTHILL BOULEVARD CORRIDOR

WHEREAS, the City Council of the City of Hayward (the "City Council") originally approved and adopted the Redevelopment Plan (the "Redevelopment Plan") for the Downtown Hayward Redevelopment Project (the "Project") on December 30, 1975, by Ordinance No. 75-029 and amended the Redevelopment Plan on December 16, 1986, by Ordinance No. 96-041, on April 21, 1987, by Ordinance No. 87-009, on July 28, 1992, by Ordinance No. 92-21, on December 20, 1994, by Ordinance No. 94-30 and on November 10, 1998, by Ordinance No. 98-16; and

WHEREAS, the Redevelopment Agency of the City of Hayward (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Hayward the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and to implement the Redevelopment Plan; and

WHEREAS, the Agency has proposed an Amendment to the Redevelopment Plan for the Project (the "Amendment") to provide for the addition of certain area to the Project Area (the "Amendment Area"), amend certain financial limits relating to the entire Project Area and make other textual changes in connection therewith; and

WHEREAS, the Planning Commission of the City of Hayward (the "Planning Commission") has reviewed the Amendment and recommended the approval and adoption of the Amendment, together with its certification that the Amendment conforms to the General Plan of the City of Hayward; and

WHEREAS, the Hayward Redevelopment Area Committee has reviewed the Amendment and recommended the approval and adoption of the Amendment; and

WHEREAS, the Agency prepared and circulated a Draft Environmental Impact Report (the "Draft EIR") on the Redevelopment Plan Amendment in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 *et seq.*) and environmental procedures adopted by the Agency pursuant thereto, and the Draft EIR was thereafter revised and supplemented to incorporate comments received and responses thereto, and, as so revised and supplemented, a Final Environmental Impact Report (the "Final EIR") was prepared by the Agency; and

WHEREAS, the City Council has received from the Agency the proposed Amendment, together with the Report of the Agency and the Final EIR on the Amendment; and

WHEREAS, the City Council and the Agency held a joint public hearing on June 12, 2001, on adoption of the Amendment and on approval and the certification of the Final EIR on said Amendment, in the City Council Chambers, City Hall, 777 B Street, Hayward, California; and

WHEREAS, a notice of said hearing was duly and regularly published in the Daily Review, a newspaper of general circulation in the City of Hayward, once a week for four successive weeks prior to the date of said hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk and the Agency; and

WHEREAS, copies of the notice of public hearing were mailed by first class mail to the last known address of each assessee of each parcel of land in the existing Project Area, as shown on the last equalized assessment roll of the County of Alameda; and

WHEREAS, copies of the notice of public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the existing Project Area and in the Amendment Area; and

WHEREAS, copies of the notice of public hearing, together with a statement concerning acquisition of property by the Agency were mailed by first class mail to the last known address of each assessee of each parcel of land in the Amendment Area, as shown on the last equalized assessment roll of the County of Alameda; and

WHEREAS, copies of the notice of public hearing were mailed by first class mail to all residents and businesses in the existing Project Area and in the Amendment Area; and

WHEREAS, the Agency and the City Council have reviewed and considered the Final EIR on the Amendment, as prepared and submitted pursuant to Public Resources Code Section 21151 and Health and Safety Code Section 33352, and determined that the Amendment will have a significant effect on the environment and adopted a Statement of Findings, Facts and Overriding Considerations applicable to the environmental impacts identified in the Final EIR; and

WHEREAS, the City Council has considered the Report of the Agency, the Report and Recommendations of the Planning Commission, the Report and Recommendations of the Hayward Redevelopment Area Committee, the Redevelopment Plan and the Final EIR, has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Redevelopment Plan, and has adopted written findings in response to each written objection to the Redevelopment Plan from an affected taxing entity or property owner; and

WHEREAS, all actions required by law have been taken by all appropriate public bodies;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The purposes and intent of the City Council with respect to the Amendment are: (1) to add the Amendment Area to the Redevelopment Plan; (2) to define the public improvements for the Amendment Area; (3) to provide for property acquisition in the Amendment Area; (4) to delete the Neighborhood Impact Statement from the Redevelopment Plan; (5) to provide limitations for incurring indebtedness, repaying indebtedness, and Redevelopment Plan effectiveness relating to the Amendment Area; (6) to amend the limitation of bonded indebtedness for the entire Project Area; and (7) to make other minor changes to the Redevelopment Plan.

Section 2. The City Council does hereby specifically find and determine that:

a. It is necessary and desirable to amend the Redevelopment Plan to include the Amendment Area in the Project Area in that the Amendment Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law, and the inclusion of the Amendment Area is consistent with the goals and objectives of the existing redevelopment project. This finding is based on the fact that:

- (1) The Amendment Area includes unsafe or unhealthy buildings and structures due to hazardous materials, the Hayward earthquake fault line, obsolescence, mixed character, and residential overcrowding;
- (2) The Amendment Area includes properties which suffer from code violations, dilapidation and deterioration, defective design or physical construction, faulty or inadequate utilities which cannot be remedied with private or governmental action without redevelopment;
- (3) The Amendment Area is characterized by stagnant and unproductive conditions of land caused by irregular parcels in multiple ownership, obsolete commercial uses, deterioration, age, absentee property owners, inadequate parcel size, traffic and circulation problems, piecemeal development, inadequate public facilities and infrastructure and incompatible uses which prevents economically viable uses; and
- (4) The Amendment Area includes a prevalence of economic maladjustment evidenced by depreciated property values and impaired investments, vacancies, abandoned buildings, low lease rates, lack of necessary commercial facilities, crime rates.

It is further found and determined that such conditions are causing and will increasingly cause a reduction and lack of proper utilization of the area to such an extent that it constitutes a serious physical, social and economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment, requiring redevelopment in the interest of the health, safety and general welfare of the people of the City and the State. This finding is based on the fact that governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that

the nature and costs of the public improvements and facilities required to correct the blighting conditions are beyond the capacity of the City and cannot be undertaken or borne by private enterprise, acting alone or in concert with available governmental action.

- b. The Amendment will enable the Amendment Area and the existing Project Area to be redeveloped in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Project Area, including the Amendment Area, as contemplated by the Redevelopment Plan, as amended by the Amendment, will implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight and deterioration in the Project Area, including the Amendment Area; providing for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement; providing affordable housing, including housing for low- and moderate-income persons; providing additional employment opportunities, and providing for higher economic utilization of potentially useful land.
- c. The adoption and carrying out of the Amendment, is economically sound and feasible. This finding is based upon the fact that under the Redevelopment Plan, as proposed to be amended, the Agency will be authorized to seek and utilize a variety of potential financing resources, including tax increments; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Project Area, including the Amendment Area; and that under the Redevelopment Plan, as proposed to be amended, no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.
- d. The Amendment is consistent with the General Plan of the City of Hayward, including, without limitation, the Housing Element of the General Plan which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code. This finding is based on the report of the Planning Commission that the Amendment conforms to the General Plan of the City of Hayward.
- e. The carrying out of the Amendment will promote the public peace, health, safety and welfare of the City of Hayward and will effectuate the purposes and policies of the Community Redevelopment Law. This finding is based upon the fact that redevelopment, as contemplated by the Redevelopment Plan, as amended by the Amendment, will benefit the Project Area, including the Amendment Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the economic, social and physical conditions of the Project Area.
- f. The condemnation of real property, as provided for in the Redevelopment Plan, as amended by the Amendment, is necessary to the execution of the Redevelopment Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon: (1) the need to ensure that the provisions of

the Redevelopment Plan, as amended by the Amendment, will be carried out; and (2) the need to prevent the recurrence of blight.

- g. The Agency has a feasible method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Amendment Area. This finding is based upon the fact that the Redevelopment Plan provides for relocation assistance according to law.
- h. There are, or are being provided, within the Amendment Area, the existing Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Amendment Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that no person or family will be required to move from any dwelling unit in the Amendment Area until suitable replacement housing is available.
- i. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Community Redevelopment Law; and dwelling units occupied by persons or families of low or moderate income within the Project Area shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413, and 33413.5 of the Community Redevelopment Law.
- j. All noncontiguous areas of the Project Area, as amended to include the Amendment Area, are either blighted or necessary for effective redevelopment and are not included for the purpose of obtaining the allocation of taxes from the Amendment Area pursuant to Section 33670 of the Community Redevelopment Law without other substantial justification for their inclusion. This finding is based upon the fact that the boundaries of the Amendment Area were chosen to be added to the existing Project Area as a unified and consistent whole to include lands that were underutilized because of blighting influences, or affected by the existence of blighting influences, and land uses significantly contributing to the condition of blight, which inclusion is necessary to accomplish the objectives and benefits of the Redevelopment Plan.
- k. Inclusion of any lands, buildings or improvements in the Amendment Area which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the whole area of which they are a part, and any such areas included are necessary for effective redevelopment and are not included for the purpose of obtaining the allocation of tax increment revenues from such areas without other substantial justification for their inclusion. This finding is based upon the fact that the inclusion of lands, buildings or improvements within the Amendment Area is necessary in order to (1) eliminate underutilized, stagnant and unproductive conditions of land; (2) eliminate deteriorated structures; (3) eliminate inadequate or deteriorated public improvements, facilities and utilities; (4) provide affordable housing, including housing for low- and moderate-income persons; and (5) provide employment opportunities.

- l. The elimination of blight and the redevelopment of the Amendment Area could not be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the existence of blighting influences, including the lack of adequate public improvements, and the inability of individual developers to economically remove these blighting influences without public assistance to acquire and assemble sites for development, and the provisions of public improvements, facilities and utilities, the inability of low- and moderate-income persons to finance needed improvements, and the inadequacy of other governmental programs and financing mechanisms to eliminate blight, including the provision of necessary public improvements and facilities.
- m. The Amendment Area is a predominantly urbanized area as defined by subdivision (b) of Section 33320.1. This finding is based upon the facts, as more particularly set forth in the Report of the Agency to the City Council, that approximately 88 percent of the land in the Amendment Area has been or is developed for urban uses, and 11 percent of the land in the Amendment Area is undeveloped, but is an integral part of an area developed for urban uses.
- n. The time limitations in the Redevelopment Plan, as amended by the Amendment, are reasonably related to the proposed projects to be implemented in the Project Area and the ability of the Agency to eliminate blight within the Project Area. This finding is based upon the facts that redevelopment depends, in large part, upon private market forces beyond the control of the Agency and shorter time limitations would impair the Agency's ability to be flexible and respond to market conditions as and when appropriate and would impair the Agency's ability to maintain development standards and controls over a period of time sufficient to assure area stabilization. In addition, shorter time limitations would limit the revenue sources and financing capacity necessary to carry out proposed projects in the Project Area.

Section 3. The City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Amendment Area are displaced if any, and that pending the development of such facilities, there will be available to any such displaced occupants temporary housing facilities at rents comparable to those in the City of Hayward at the time of their displacement. No persons or families of low or moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings. The Agency shall not displace any such persons or families until such housing units are available and ready for occupancy.

Section 4. The Council is satisfied that all written objections received before or at the noticed public hearing have been responded to in writing. In addition, written findings have been adopted in response to each written objection of an affected property owner or taxing entity which has been filed with the City Clerk either before or at the noticed public hearing.

Section 5. The mitigation measures, as identified in Council Resolution No. 01-088 and Agency Resolution No. 01-08 adopted on June 12, 2001, making findings as to the Final Environmental Impact Report on the Amendment to the Redevelopment Plan, are incorporated into the proposed redevelopment of the Amendment Area.

Section 6. The Redevelopment Plan for the Project, as adopted by Ordinance No. 75-029, and as previously amended on December 16, 1986, by Ordinance No. 96-041, on April 21, 1987, by Ordinance No. 87-009, on July 28, 1992, by Ordinance No. 92-21, on December 20, 1994, by Ordinance No. 94-30 and on November 10, 1998, by Ordinance No. 98-16, is hereby further amended as set forth in the proposed "Amendment to the Redevelopment Plan for the Downtown Hayward Redevelopment Project - Mission/Foothill Boulevard Corridor," attached hereto as Exhibit A and incorporated herein and made a part hereof by reference. As so amended, the Redevelopment Plan is hereby incorporated by reference herein and designated as the official Redevelopment Plan for the Downtown Hayward Redevelopment Project - Mission/Foothill Boulevard Corridor.

The Executive Director of the Agency is hereby authorized to combine the Redevelopment Plan, as amended by this Amendment, into a single document, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Redevelopment Plan in place of the document currently constituting said Redevelopment Plan.

Section 7. In order to implement and facilitate the effectuation of the Amendment hereby approved, it may be necessary for the City Council to take certain actions, and accordingly, this City Council hereby (a) pledges its cooperation in helping to carry out the Amendment; (b) requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the Project Area, including the Amendment Area, likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment of the Project Area pursuant to the Amendment; (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amendment; and (d) declares its intention to undertake and complete any proceedings necessary to be carried out by the City under the provisions of the Amendment.

Section 8. Ordinance No. 75-029, as previously amended on December 16, 1986, by Ordinance No. 96-041, on April 21, 1987, by Ordinance No. 87-009, on July 28, 1992, by Ordinance No. 92-21, on December 20, 1994, by Ordinance No. 94-30 and on November 10, 1998, by Ordinance No. 98-16 is continued in full force and effect as further amended by this Ordinance.

Section 9. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan as amended by the Amendment.

Section 10. The City Clerk is hereby directed to record with the County Recorder of Alameda County a notice of the approval and adoption of the Amendment pursuant to this Ordinance containing a statement that proceedings for the redevelopment of the Project Area,

including the Amendment Area, pursuant to the Amendment have been instituted under the California Community Redevelopment Law.

Section 11. The City Clerk is hereby directed to transmit a copy of this Ordinance Amending the Redevelopment Plan, a description of the land within the Amendment Area, and a map or plat indicating the amendments to the boundaries of the Project Area, to the auditor, assessor and tax collector of the County of Alameda, to the governing body of each of the taxing agencies which levies taxes upon any property in the Project Area, as amended, and to the State Board of Equalization.

Section 12. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage.

Section 13. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in the Daily Review, a newspaper of general circulation, published and circulated in the City of Hayward, California.

Section 12. Severability. If any part of this Ordinance, or the Amendment which it approves, is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Amendment, and this City Council hereby declares that it would have passed the remainder of the Ordinance, or approved the remainder of the Amendment, if such invalid portion thereof had been deleted.

Introduced at a regular meeting of the Hayward City Council held June 19, 2001, the above-entitled ordinance was introduced by Council Member Henson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on June 26, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. Copies of the full text of this ordinance are available for examination by the public in the Office of the City Clerk, 777 B Street.

DATED: June 23, 2001
ANGELINA REYES
CITY CLERK OF THE
CITY OF HAYWARD